

Remarks/Arguments

Claims 1-18 are pending in this application. Claims 1-5, 9-11 and 15-18 are rejected, and claims 6-8 and 12-14 are objected to in the Office Action of March 18, 2008. Applicants appreciate the Examiner's indication of allowable subject matter in claims 6-8 and 12-14. No claim amendments are presented herein. However, a listing of the pending claims in this application accompanying this response for the Examiner's convenience.

Re: Specification

The Examiner notes that the current specification, as filed, does not contain headlines separating the different sections. Accompanying this response, Applicants submit clean and marked-up versions of a substitute specification in compliance with 37 C.F.R. §§1.125(b) and (c) that includes section headings prescribed by 37 C.F.R. §1.77(b). No new matter is believed to be included in this substitute specification. Please replace the current specification with the accompanying substitute specification.

Re: Claims 1-5, 9-11 and 15-18

Claims 1-5, 9-11 and 15-18 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2005/0157599 by Kiyama et al. (hereinafter, "Kiyama"). Applicants respectfully traverse this rejection for at least the following reasons.

Applicants first note that independent claim 1 recites:

"A method for updating first data, which have an associated first index, on a disk storage medium by:
- storing second data, which update the stock of data in the first data, on the disk storage medium,
- creating a second index and
- storing the second index on the disk storage medium, wherein
- the second index is **associated exclusively** with the second data and is stored on the disk storage medium as a supplement to the first index." (emphasis added)

As indicated above, independent claim 1 recites a method for updating first data,

which have an associated first index, on a disk storage medium. The method comprises storing second data, which update the stock of data in the first data, on the disk storage medium, creating a second index and storing the second index on the disk storage medium. Moreover, the second index is associated exclusively with the second data and is stored on the disk storage medium as a supplement to the first index. Independent claims 9 and 15 define subject matter similar to independent claim 1, but are written in "apparatus" and "disk storage medium" formats, respectively, as opposed to "method" format.

Kiyama fails to disclose or suggest all elements of independent claims 1, 9 and 15. In particular, Kiyama describes various types of files in a disk wherein a special QuickTime movie file, termed an AV Index file, is provided on the disk. The AV Index file is made up of Movie atom that is management information and Movie data atom that is actual data. Kiyama further describes a previous AV Index file and a latest AV Index file, wherein the Movie atom of the latest AV Index file manages only differences from the previous AV Index file. That is, the latest AV Index file updates the previous AV Index file. As the previous AV Index file is associated with already recorded AV files, the latest AV Index file is therefore also associated with the already recorded AV files.

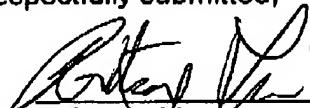
Applicants further note that Kiyama mentions in paragraph [0123], with reference to FIG. 2(e), realization of "nonlinear editing" (i.e. "non-destructive editing") which enables the user to apparently carry out editing without changing the location of AV streams. However, as depicted in FIG. 2(e), such edited AV streams consist of two AV streams both of which are referenced by a single AV Index file. Therefore, the single AV Index file is not exclusively associated with the data updating the AV stream. As such, Kiyama fails to disclose or suggest, *inter alia*, "first data, which have an associated first index, [...] second data, which update the stock of data in the first data, [...] and [...] second index [...] **associated exclusively** with the second data" (emphasis added), as recited in independent claim 1, "the signal processing device may also be used to create a second index **relating exclusively** to the second data" (emphasis added), as recited in independent claim 9, or "a second index which **relates**

exclusively to the second data" (emphasis added), as recited in independent claim 15. Accordingly, Kiyama fails to disclose or suggest all elements of independent claims 1, 9 and 15 (and their respective dependent claims), and withdrawal of the rejection is respectfully requested.

Conclusion

In view of the foregoing remarks/arguments, the Applicants believe this application stands in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited. If, however, the Examiner is of the opinion that such action cannot be taken, the Examiner is invited to contact the Applicants' attorney at (609) 734-6813, so that a mutually convenient date and time for a telephonic interview may be scheduled. No fee is believed due. However, if a fee is due, please charge the fee to Deposit Account 07-0832.

Respectfully submitted,


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Date _____